

**REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed July 14, 2008. Claims 19-22, 25-27, 30, 33, 35, 36, 41-59, 61-65, and 67-70 were pending in the present application. This Amendment amends claims 19, 41, 63-65, and 67-68, cancels claims 69-70, and presents new claims 71-73. Thus, after entry of this amendment, which is respectfully requested, claims 19-22, 25-27, 30, 33, 35, 36, 41-59, 61-65, 67-68, and 71-73 will be pending. Reconsideration of the rejected claims is respectfully requested.

**I. Rejections under 35 U.S.C. §112 (New Matter)**

All the claims were rejected under 35 U.S.C. §112 because it was not apparent where the recently added limitations of "plurality of staffing requirements," "plurality of digital portfolios," and "plurality of contractors" to the independent claims (claims 19, 41, 63, and 70 ) were supported in the specification, and Applicants had not specifically pointed out where they were supported in the specification (Office Action §9).

A "plurality of staffing requirements" is supported in the specification, for example on page 11, lines 18-20 and page 19, lines 15-16.

A "plurality of digital portfolios" is supported in the specification, for example on page 19, line 21 and page 21, lines 4-6.

A "plurality of contractors" is supported in the specification, for example on page 16, lines 20-22.

Applicants respectfully request the withdrawal of this rejection because Applicants have now specifically pointed out where the recently added limitations are supported in the original specification.

**II. Rejections under 35 U.S.C. §101**

Claims 63-65 and 67-69 were rejected under 35 U.S.C. §101 because "information storage medium" was deemed not to be one of the statutory classes.

Applicants thank the Examiner for his suggestion to use "a computer readable medium having tangibly stored thereon a plurality of instructions . . ." (Office Action §7). The claims have been amended per the suggestion, and thus withdrawal of this rejection is respectfully requested.

### **III. Rejections under 35 U.S.C. §103**

All of the pending claims (claims 19-22, 25-27, 30, 33, 35-36, 41-59, 61-65, and 67-70) were rejected under 35 U.S.C. §103 as being unpatentable (obvious) over Joao (US 6,662,194) in view of Knudson et al. (US 5,765,140) and Donnelly et al. (US 6,049,776).

Generally, Joao is a web-based job posting program searchable by independent contractors and freelancers which monitors the interview, employment screening, and/or recruitment processes, Knudson is a timesheet program that can communicate with Microsoft Project, and Donnelly is a human resource database searchable by skill requirements.

**New skill level information/New skills.** Independent claims 19, 41, and 63 have been amended to remove the limitations of "performance review information" and "updated experience information" from the alternative groupings, leaving "new skill level information" or "new skills" as the recited collected information for the contractors. As admitted in the Office Action, Joao does not disclose a work journal function for collecting new skill level information or new skills obtained by a hired contractor. Knudson, disclosing the entry of work progress and time information interpreted in the Office Action as "performance information," does not disclose the entry of "new skill level information" or "new skills obtained by the hired contractor on the project." Instead, Knudson appears focused on tracking labor for employees from a personnel resource pool who were assigned tasks by project managers, presumably tasks with which the employees were already familiar (*see, e.g.*, Knudson col. 5, lines 44-58). Donnelly, while teaching a database searchable by skill requirements, does not teach or suggest that "new skill level information" or "new skills obtained by [a] hired contractor" are collected from "information capable of including entries submitted by coworkers, subordinates, and other hiring managers of the contractor." While Donnelly does not limit entry to any particular user, presumably a worker would enter his own data. Finally, even if there were there were

motivation to combine Joao, Knudson, and Donnelly, the resulting combination would not disclose "a resource management module comprising a work journal function for collecting information substantially daily, . . . the collected information capable of including entries submitted by coworkers, subordinates, and other hiring managers of the contractor, the collected information including at least one of new skill level information for the hired contractor . . . and new skills obtained by the hired contractor on the project." Thus, the newly amended claims distinguish over the cited prior art.

**Digital portfolio.** The Office Action appears to interpret a "digital portfolio" in all the claims as encompassing Knudson's assignments table and/or timesheet which is updated with time entries (Office Action p. 8). Applicants respectfully assert that the interpretation is overbroad. An individual's digital portfolio is a summary of work experience, akin to a resume, and may even include a resume itself (*see* specification p. 20, lines 10-12). A summary of one's work experience is helpful to provide to a recruiter for consideration (*see* specification p. 21, lines 9-11). Thus, a digital portfolio, in light of the specification, does not include Knudson's assignment sheets or timesheets, which appear to be unsummarized lists of hours worked on billable tasks. Combining Knudson's assignments table and/or timesheet into Joao's and/or Donnelly's job posting and/or human resources databases would not result in the invention as presently claimed. The resumes in the Joao/Donnelly databases would not be "automatically update[ed] . . . with collected information including at least one of new skill level information . . . and new skill obtained by the hired contractor," because the unsummarized entry of time data would go into Knudson's timesheets and not the resumes. Thus, because the initial interpretation of "digital portfolio" in the claims was overbroad, Applicants respectfully request reconsideration of the claims in view of the proper interpretation.

Applicants therefore respectfully request the withdrawal of the rejections for at least the above reasons, and all the claims depending therefrom based at least on their dependency from the independent claims.

**Claims 21, 50, and 68.** Dependent claims 21, 50, and 68 recite a "logistics management function for facilitating the logistical components of a hiring process including management of blood testing, badging, and facilities." The Office Action states that these post-hiring functions

are anticipated by Joao's screening and hiring processes; however, Joao only monitors pre-hiring "interview, employment screening, and/or recruitment, processes" such as "whether a deal has been reached between the parties, any information concerning offers, counteroffers, rejected offers and/or rejected counteroffers, . . . along with any notes made by the employer or individual, up to this point" (Joao col. 24, lines 37-49). As argued in previous amendments, a salient distinction between the invention as presently claimed and Joao is that Joao is apparently a pre-hiring job search, screening, and recruitment program, while the invention as presently claimed involves post-hiring data collection and work journal functions. Furthermore, even in combination, Joao, Knudson, and Donnelly do not disclose a "logistics management function for facilitating the logistical components of a hiring process including management of blood testing, badging, and facilities" because they are directed to job posting, skill requirements searching, and timesheet entry and not "blood testing, badging, and facilities."

Claims 21, 50, and 68 also recite "a risk management function . . . for monitoring compliance with government rules and regulations." The Office Action states that this is anticipated by Joao in col. 24, lines 34-39; col. 25, lines 25-31; and/or col. 40, lines 59-65. However, none of the cited language mentions government rules or regulations. Furthermore, representatives of the Applicants have reviewed the entirety of Joao and have determined that Joao does not disclose, teach, or suggest "monitoring compliance with government rules and regulations." In fact, none of the other relied-upon references mention a risk management function for "monitoring compliance with government rules and regulations," and therefore the combination of Joao, Knudson, and Donnelly would not result in a risk management function for "monitoring compliance with government rules and regulations." Such a risk management function could be the most important feature to some clients for complying with IRS rules concerning independent contractors, federal and state equal employment opportunity and minority owned businesses certifications, and Export Administration Regulations regarding access to critical technologies by foreign nationals.

Thus, for at least the reasons above, Applicants respectfully request withdrawal of this rejection and an indication of allowable subject matter.

#### IV. New Claims

New claims 71-73 are presented. Independent claim 71 recites "modeling a first [and second] project team with multiple skill requirements." This is supported in the specification, for example on page 12, lines 6-8. Applicants respectfully assert that none of the relied-upon references (i.e. Joao, Knudson, Donnelly) teach or suggest "modeling [project teams] with multiple skill requirements." Instead, the relied-upon references concentrate on defining job search/employee search programs (Joao and Donnelly) or timesheet entry systems (Knudson).

One of the cited references, Rosenthal et al. (US 7,054,821) is directed toward "modeling" an employee's skills; however, this appears to be in the context of cataloging individual employee's skills so that his or her resume can be more easily searched (*see, e.g.* Rosenthal col. 1, lines 19-45 and col. 6, lines 24-32). Thus, Rosenthal does not teach or suggest "modeling a first [and second] project team with multiple skill requirements." Furthermore, Rosenthal does not teach or suggest the modeling of multiple project teams or "receiving a selection of one of [the] modeled project teams" as further required by the claim.

Modeling project teams can help a manager or recruiter compare costs, availabilities, and skill sets of available contractors before deciding to hire. Modeling can help a manager optimize the interrelated critical roles that a team should possess before embarking on a project, and allow the manager to assess whether the team should be kept in-house, involve a few independent contractors, or be totally outsourced. Furthermore, modeling used in conjunction with "a work journal function," such that "the digital portfolio for the at least one of the [selected team's] hired contractors [automatically] remains current" can help preserve empirical data so that pre-project modeling can later be compared with actual work output. Looking ahead, a manager could use these updates to model where and at what rate contractors' work experience profiles are headed so that future teams for future projects can be better modeled. None of the cited prior art teaches or suggests such "modeling" of project teams, let alone combine "modeling" with "automatic[] updating" of portfolios. The invention as claimed was not obvious to one skilled in the art at the time of the invention until Applicants recognized the problems that "modeling" coupled with "automatic[] updating" digital portfolios of hired contractors could solve, namely, that managers

could benefit by modeling a project team before going through the trouble of assembling an RFP (see specification p. 12, lines 4-15). Thus, the claim distinguishes over the prior art.

Claims 72-73, which depend from claim 71, recite that one project team is modeled "for contractors in a different location" (claim 72) or "for a different time period" (claim 73) than another project team. This is supported in the specification, for example on page 12, lines 6-8.

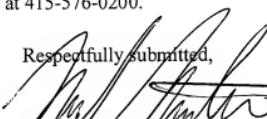
Accordingly, for at least the reasons stated above, Applicants submit that claims 71-73 are allowable over the cited references.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

  
Mark Mathison  
Reg. No. 57,556

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 925-472-5000  
Fax: 415-576-0300

MPM/sea  
61503185 v1